(2)

Supreme Court, U.S.
FILED
OCT 7 1988
JOSEPH F. SPANIOL, JR.

No. 88-546

IN THE
Supreme Court of the United States
OCTOBER TERM, 1988

LAWRENCE DAVID MORDEROSIAN,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

SUPPLEMENTAL APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

LAWRENCE DAVID MORDEROSIAN
8727 Cuttermill Place
Springfield, Virginia 22153
(703) 644-9428
Attorney Pro Se

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APPENDIX J

UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE

Docket Number DC07318710040

LAWRENCE D. MORDEROSIAN,
Appellant,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Agency.

Date: Feb. 9, 1987

William L. Bransford, Esq., Neill, Mullenholz and Shaw, for the appellant.

Eugene N. Scallan, Esq., Deputy Assistant General Counsel, for the agency.

BEFORE

Catherine R. Gibson
Administrative Judge

INTRODUCTION

Appellant filed an appeal from the September 23, 1986 decision of the Office of Personnel Management (OPM) finding him unsuitable for employment in the competitive Federal service. The record reflects that appellant

was entitled to appeal said decision, and that the appeal is properly before the Board for adjudication. 5 U.S.C. § 7701; 5 C.F.R. § 731.401(b). For the reasons set forth below, the agency's action is AFFIRMED.

BACKGROUND

On December 2, 1985, appellant received an appointment to the position of Procurement Analyst with the Small Business Administration (SBA), subject to an investigation to determine fitness and suitability. This appointment was based upon appellant's submission of a Standard Form 171 (SF-171), Personal Qualifications Statement, dated July 18, 1985, on which appellant stated that he had never quit a job after receiving notice that he would be fired.

OPM had previously issued a negative suitability determination on May 23, 1985 based on appellant's application of June 1, 1982 and June 15, 1983 for the positions of Supervisory Criminal Investigator and Criminal Investigator. Those applications were rated ineligible, any other eligibilities or other applications for employment in the competitive Federal service were cancelled, and appellant was barred from competing in examinations or accepting appointment in the competitive Federal service until January 19, 1987. Although appellant had not received the May 23, 1985 negative suitability determination when he applied for the position with the SBA, he became aware of it after the investigation commenced relative to his appointment to that position.

In the September 23, 1986 suitability determination OPM listed the current charge of falsification of his SF-171 to obtain the SBA position, as well as referring to the first negative determination and all seven of the charges contained therein. Appellant was again found unsuitable for Federal employment, all eligibilities and applications were cancelled, and he was barred from

competing in examinations or accepting an appointment in the Federal Civil Service until September 23, 1989. OPM also ordered him removed from his position at SBA.

In a pre-hearing conference of January 8, 1987, I ruled that the first negative determination was not before me for adjudication. In addition, I determined that I would receive no evidence or testimony on the charges in the first suitability determination because the agency could not use those same charges to extend appellant's ineligibility for another three years. On the day before the hearing in this case, I received an untimely motion to waive the time limits for filing an appeal of the suitability determination of May 23, 1985. Inasmuch as the motion was untimely, I did not consider it but advised appellant he was not precluded from filing a petition for appeal of that negative suitability determination with argument as to why the time limit should be waived.

On appeal, appellant alleges that he did not falsify any SF-171's. He also alleges that he was discriminated against because he was mentally impaired and the agency should have afforded him reasonable accommodation.

ANALYSIS AND FINDINGS

The charge in the present case is that appellant falsified the SF-171 submitted on July 18, 1985 by answering "No" to question 29: "Within the last five years have you quit a job after being notified that you would be fired?" Under item 34 on the form, appellant added an explanation to his response to question 29: "I retired from the Federal Government (GSA) after being subjected to harassment and refusal to provide me assistance to transfer from the CSA [sic] (Washington, D.C.). After over three years and on advice of both Attorney and Doctor, I chose to retire. The GSA-IG made allegations of errors in my SF-171, which have since been proven to be 100% correct. Note I 'retired' I did not quit." (Ag. file, tab 8).

One of the specific factors to be considered by OPM in making a suitability determination is: "Intentional false statement or deception or fraud in examination or appointment." 5 C.F.R. § 731.202(b)(3). The record contains a January 13, 1984 letter to appellant proposing his removal from the position of Procurement Analyst, GM-1102-13, with the General Services Administration, for numerous instances of having falsified Government documents and having submitted false statements to the Government. (Ag. file, tab 2, Ex. 2). Also in that same exhibit is a letter of February 29, 1984, in which GSA informed appellant of its decision to remove him from employment effective March 10, 1984. Appellant retired effective March 2, 1984. On the SF-50 (Notification of Personnel Action) effecting his retirement, the agency finding is stated as follows: "Retired after receiving written notice on January 13, 1984, of proposal to remove for those reasons stated in the proposal." (App. Ex. No. 1

Implicit in the charge of falsification of an SF-171 is the allegation that appellant falsified the document intentionally and with the purpose to defraud the government. *Tucker v. United States*, 624 F.2d 1029 (Ct. Cl. 1980). Intent, being a state of mind, is generally proved by circumstantial evidence. *Id.* at 1033. Appellant alleges that he believed his answer to be true under the circumstances and denies that he had any intent to defraud the government.

Appellant testified that he had an oral agreement with the GSA that they would rescind the decision to remove him based on his retirement. According to appellant, this rescission of the decision to remove him justified his statement on the SF-171 that he had not quit after receiving notice that he would be fired. In support of this contention, appellant cites the statement on the SF-50 which speaks only of a proposal to remove rather than a decision to remove.

If there was any agreement by GSA to rescind the decision to remove, appellant could have sought confirmation of that in writing or produced the testimony of the testimony of the GSA official who allegedly made that agreement. No such evidence was offered. It is obvious that the agency could not process appellant's removal if he retired prior to its effective date. There is every indication, however, that the agency would have effected the removal had appellant not precluded such action by his retirement.

Appellant explained that he had looked up the definition of the word "quit" in a law dictionary and determined that it did not include "retirement." Thus, he felt he could respond "No" to question 29. Black's Law Dictionary 1126 (5th Ed. 1979) defines "quit" as: "To leave; remove from; surrender possession of; . . ." The words are very clear and are not susceptible to appellant's interpretation.

Appellant has graduate level education (including some legal training), several years of government service at high levels, and was a Captain in the Air Force Office of Special Investigations, as well as operating his own private investigative agency. His attempt to "explain" his "No" response to question 29 by stating he retired rather than quit after being informed he was to be fired is simply not credible. *Pichot v. Department of Justice*, 29 M.S.P.R. 477, 480 (1985).

That appellant considered his retirement a direct result of the adverse action proposal is confirmed by the fact that he later attempted to appeal his retirement to the Board on the basis that it was not voluntary. That appeal was dismissed because appellant failed to produce evidence to show that his retirement was caused by agency coercion rather than being a voluntary choice between two unpleasant alternatives. *Morderosian v. General Services Administration*, MSPB Initial Decision No. DC075284101406 (June 29, 1984).

Appellant relies on the decision in *Naekel v. Department of Transportation*, 782 F.2d 975 (Fed. Cir. 1986) to support his claim that no fraud was intended because his employment was "mutually unsatisfactory." That decision was based on the facts of the case as presented and is distinguished from the present case where the appellant failed to state that he retired after a decision was made to remove him.

With regard to his appointment at SBA, appellant alleged that Richard Segrave-Daly, Assistant Regional Administrator for Procurement Assistance in the SBA Philadelphia Region, who hired appellant, had been apprised of his problems with GSA and he was sympathetic to the reasons for appellant's retirement. In his testimony, however, Mr. Segrave-Daly denied that appellant mentioned anything during his interview for the SBA position about his removal having been proposed. Although he was impressed with appellant during the interview, Mr. Segrave-Daly testified that if the true facts were mentioned, he would have investigated further and not recommended appellant for employment.

In fact, Mr. Segrave-Daly stated that he was interviewing two hundred applicants for twenty positions and that he does not recall reading page four of the appellant's SF-171. However, because of the sensitive nature of the positions, if appellant had answered "Yes" to question 29, it would have acted as a red flag and his application would not have been considered. Although appellant alleged that the explanation of his response to question 29 should have alerted any prosepective employer to his problems at GSA, this speculation is not persuasive. *McCreary v. Office of Personnel Management*, 27 M.S.P.R. 459, 462 (1985). It is more likely that the explanation was intended to prevent inquiry to GSA and/or to lessen the effect of any adverse report from GSA. As the results show, the statement did not alert the SBA and appellant was hired.

Specific intent to make a false or fraudulent statement may be inferred when the alleged misrepresentation is made with reckless disregard for the truth. *Riggin v. Department of Health and Human Services*, 13 M.S.P.R. 50, 53 (1982). I find appellant's intent to falsify his SF-171 is amply supported by the circumstantial evidence. Accordingly, the charge is sustained by a preponderance of the evidence. 5 C.F.R. § 1201.56(a).[1]

As an ancillary matter, appellant alleged that although he had not received a decision on his pending suitability determination, he believed it was appropriate for him to apply for the SBA position because OPM had declared him eligible in June of 1985. What appellant received was a June 17, 1985 Notice of Rating of eligibility for certain Senior Level positions. (Case file, tab 17). The Notice of Rating stated that it was tentative and subject to the applicant's meeting all medical, suitability and qualifications requirements of a position at the time of consideration for employment. "Eligibility" is a preliminary assessment of capability to perform a job based on tests or on what an applicant tells OPM. "Suitability" concerns the requirements as to character, reputation, and fitness for Federal employment and is generally determined after an investigation. Although OPM issued an eligibility rating, it is not estopped from issuing a subsequent negative suitability determination. *Kirkland v. Office of Personnel Management*, 27 M.S.P.R. 159 (1985).

DISCRIMINATION

Although appellant alleged discrimination because he was mentally impaired and the agency should have afforded him accommodation, he offered no evidence to

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[1] On July 10, 1986, the Board republished its entire rules of practice and procedure in the Federal Register. For ease of reference, citations will be to the Board's regulations at 5 C.F.R. Part 1201. However, parties should refer to 51 Fed. Reg. 25, 146-72 (1986) for the text of all references to this part.

support that claim and did not actively pursue the issue at the hearing. The only evidence offered was a letter from his psychiatrist dated June 20, 1984, seeking a waiver of the time limit for appealing to the board. (App. Ex. No. 2) This letter is dated nine days before an initial decision was issued in his appeal of his retirement, and there was no issue of timeliness in that decision. A petition for review of that initial decision was filed nine months late and was dismissed by the Board. *Morderosian v. General Services Administration*, 29 M.S.P.R. 17 (1985). There was no evidence offered of any incapacity at the time of application for the SBA position. A bare allegation of discrimination is insufficient to establish a prima facie case of discrimination. *McDonnell Douglas v. Green*, 411 U.S. 792 (1973). Accordingly, I find appellant has failed to establish a prima facie case which raises an inference of mental handicap discrimination.

In summary, because on the evidence, testimony and demeanor of the witnesses, I find the charge of intentionally submitting a false SF-171 to be sustained by a preponderance of the evidence. I further find that appellant has failed to establish by a preponderance of the evidence a prima facie case of handicap discrimination. It has long been held that a charge of falsification of government documents goes to the appellant's "reliability, veracity, trustworthiness, ethical conduct and certainly affects the efficiency of the service." *Rodriguez v. Seamans*, 463 F.2d 837, 843 (D.C. Cir. 1972). Accordingly, I find that OPM's cancellation of appellant's eligibilities, its debarment of him from competition and appointment until September 23, 1989 and his removal from the position at SBA are warranted to promote the efficiency of the service. 5 C.F.R. § 371.201.

DECISION

The agency action is hereby AFFIRMED.

REVIEW RIGHTS

This initial decision of the Merit Systems Protection Board will become a final decision of the Board on Mar. 16, 1987, unless a petition for review is filed by that date or the Board reopens the case on its own motion. 5 C.F.R. §§ 1201.113 and .117. Any party or the Office of Personnel Management may seek to have it reviewed by the Board by filing a petition for review with:

Office of the Clerk
Merit Systems Protection Board
1120 Vermont Avenue, N.W.
Washington, D.C. 20419

in accordance with the Board's regulations. 5 C.F.R. §§ 1201.114-.115. The parties should note that they are required to serve any petition for review and any subsequent pleading on all other parties. 5 C.F.R. § 1201.114 (h). It is not necessary to serve the Regional Office. The petition for review must be filed on or before Mar. 16, 1987 and must set forth objections to the initial decision, supported by references to applicable laws and regulations, and the record.

If appellant wishes to contest the Board's final decision on the issue(s) of discrimination raised, *administrative* review of those issues alone may be obtained by filing a petition for review with the Equal Employment Opportunity Commission (EEOC) within thirty days (30) days of the date the initial decision becomes final. 5 U.S.C. § 7702(b)(1). The address for EEOC is:

Office of Review and Appeals
Equal Employment Opportunity Commission
2401 E Street, N.W.
Washington, D.C. 20507

If appellant wishes to contest the Board's final decision of the issue(s) of discrimination and has not filed a petition with EEOC, *judicial* review of all issues may

be obtained by filing a petition with an appropriate United States Court within thirty (30) days of the date the initial decision becomes final. 5 U.S.C. § 7703(b)(2). In court cases involving issues of discrimination which were brought before the Board under 5 U.S.C. § 7702, appellants have the right to request the court to appoint an attorney to represent them. 42 U.S.C. § 2000e-5 (f)(1).

If appellant chooses not to contest the Board's final decision on the discrimination issue(s), (s)he may, if the Court has judisdiction, obtain *judicial* review of the other issues by filing a petition with:

United States Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Such a petition must be *received* by the Court within thirty (30) days of the date the initial decision becomes final. 5 U.S.C. § 7703(b)(1).

FOR THE BOARD:

/s/ Catherine R. Gibson
CATHERINE R. GIBSON
Administrative Judge

APPENDIX K

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 88-1888

LAWRENCE D. MORDEROSIAN
8727 Cuttermill Place
Springfield, Virginia 22153
(703) 644-9428

Plaintiff,

vs.

GENERAL SERVICES ADMINISTRATION
18th & F Streets, N.W.
Washington, D.C. 20405
(202) 535-0800

Defendant.

[Filed July 11, 1988]

COMPLAINT FOR MANDATORY INJUNCTION

Comes now Plaintiff and moves this court to order a mandatory injunction against the Defendant and states that:

1. This Court has jurisdiction pursuant to Title 28, Section 1331, in that there is true diversity of citizenship and the amount in controversy exceeds ten thousand dollars ($10,000.00).

2. Plaintiff is a citizen of the United States of America and is a resident of the Commonwealth of Virginia.

3. The Defendant, General Services Administration, is an agency of the United States Government with Headquarters in Washington, D.C., District of Columbia.

4. This controversy arises under Federal Law in that the Defendant is an agency of the United States Government and the controversy involves interpretation of Federal Statutes, the United States Constitution and Administrative Regulations.

5. The Plaintiff was employed by the General Services Administration from April 10, 1980 to March 3, 1984.

6. On or about September 19, 1980; February 2, 1981; December 23, 1982; and July 5, 1983, Plaintiff filed complaints with General Services Administration alleging discriminatory acts, committed by his immediate supervisor, based upon religion, race, national origin, and age. These acts were in violation of the provision set forth in *Section 717c, Civil Rights Act of 1964.* (See Attachment No. 1.)

7. On May 21, 1984, the General Services Administration filed its final decision, rejecting Plaintiff's complaint because it was considered a "mixed case" citing 29 C.F.R., Sections 1613.404(a), (b), and 406(a).

8. On June 6, 1984, Plaintiff appealed the General Services Administration's decision to the Equal Employment Opportunity Commission, Appeal No. 01841870.

9. On July 25, 1986, the Equal Employment Opportunity Commission ordered the General Services Administration's final decision vacated and remanded the cause to the General Services Administration for further processing in accordance with its decision. (See Attachment No. 2.)

10. Under Equal Employment Opportunity Commission Regulations, compliance with the Commission's corrective action is mandatory and the General Services

Administration must report to the Commission within thirty (30) calendar days of receipt of the decision, that corrective action has been taken. (See Attachment No. 3).

11. The General Services Administration has failed to take the ordered corrective action and has thereby denied Plaintiff any forum within which to pursue his discrimination complaints.

WHEREFORE, Plaintiff respectfully requests the Court to order a mandatory injunction against the Defendant directing compliance with the Equal Employment Opportunity Commission's decision. Further, that the Court establish a mandatory response time for the Defendant not to exceed thirty (30) calendar days.

/s/ Lawrence D. Morderosian
LAWRENCE D. MORDEROSIAN
8727 Cuttermill Place
Springfield, VA. 22153
(703) 655-9428

Attachments

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Appeal No. 01841870

LAWRENCE D. MORDEROSIAN,
Appellant,

v.

GENERAL SERVICES ADMINISTRATION,
Agency,

DECISION

INTRODUCTION

On June 6, 1984, Lawrence D. Morderosian (hereinafter referred to as appellant) initiated an appeal to the Equal Employment Opportunity Commission (EEOC) from the final decision of the General Services Administration (hereinafter referred to as agency). The final decision was rendered on May 21, 1984, and concerned appellant's complaint which alleged discrimination based on handicap[1] (physical and mental) in violation of Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 *et seq.* The appeal is accepted by the Commission in accordance with the provisions of EEOC Order No. 960, as amended.

BACKGROUND

Appellant was employed by the agency as a Procurement Analyst, GM-13. The record reffects that appellant

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[1] Although appellant alleges physical and mental handicaps, the record does not specify what the handicaps are.

had a long history of military and federal service, and had received numerous commendations.

On January 13, 1984, the agency proposed appellant's removal. The agency asserted that appellant had falsified government documents and had made false statements on his SF-171 forms, used for job applications. The agency included three pages of specific charges with the proposal. Appellant submitted a written reply to the proposal, alleging that certain officials had acted improperly. Appellant also answered the charges made against him. However, on February 29, 1984, the agency issued its decision to remove appellant, effective March 10, 1984.

Appellant then submitted an application for immediate retirement, specifying March 2, 1984 as the effective date. The application was accepted.

On March 30, 1984, appellant sent a letter to the Merit Systems Protection Board (MSPB), alleging that his retirement was coerced MSPB No. DC07528410406. The letter was sent from the Middle East, where appellant was assisting in evacuating friends and relatives. The agency submitted arguments on May 31, 1984, that the MSPB had no jurisdiction. On June 29, 1984, appellant's appeal was dismissed for lack of jurisdiction because appellant failed to show that his retirement was coerced. The Presiding Official declined to address appellant's discrimination claims since there was no appealable action before the Board.

On May 7, 1984, appellant filed a formal EEO complaint, alleging discrimination based on handicap.

On May 21, 1984, before the MSPB decision was rendered, the agency issued its final decision, rejecting appellant's complaint because it was considered a "mixed case", citing 29 C.F.R. §§ 1613.404(a), (b), and 406(a).

Appellant appeals from the agency's decision to the Commission.

ANALYSIS AND FINDINGS

The issue in this case is whether the agency correctly rejected appellant's complaint because it was a mixed case and because appellant had taken his claims to the MSPB.

The Commission notes first that the agency moved to have appellant's appeal before the MSPB dismissed for lack of jurisdiction. The agency should have been well aware that the jurisdictional nature of appellant's appeal to MSPB was a difficult one for an aggrieved employee to establish. Moreover, the agency asked for the dismissal of appellant's appeal, knowing that its earlier rejection of his EEO complaint left him without a forum within which to pursue his claims. The Commission finds that an agency cannot defeat the right of an aggrieved employee to raise allegations of discrimination in the appropriate forum. Thus, the agency's quick rejection of appellant's complaint was improper. The agency should have waited until it was determined whether appellant's appeal was within the Board's jurisdiction.

The Presiding Official determined that the Board had no jurisdiction over appellant's appeal. As such, there was not a "mixed case" as defined by 29 C.F.R. § 1613.404.

The agency's denial of appellant's complaint left him without any forum within which to pursue his discrimination issues. There is nothing in the record to indicate appellant was aware that his appeal to the MSPB would be dismissed. The record reflects that appellant sent the letter from the Middle East, near Beirut, where he was helping family and friends evacuate during a crisis. Under 5 U.S.C. § 7702(f), when an employee is required to file an action and files timely with an agency other than the one which action should be filed, the employee will be considered as having timely filed the appeal as of

the date it was improperly filed. Here, appellant timely filed with the MSPB. The agency rejected appellant's EEO complaint as a "mixed case" before it found out that the MSPB did not have jurisdiction. Because the matter was not a mixed case, the agency's rejection was improper. Thus, the Commission vacates the agency's decision and remands the matter back to the agency for further processing.

CONCLUSION

Based upon a review of the record, it is the decision of the Commission to vacate the final agency decision and remand the case to the agency for further processing in accordance with this decision and the applicable regulations. 29 C.F.R. § 1613.214 *et seq.*

IMPLEMENTATION OF THE COMMISSION DECISION

Under EEOC Regulations, compliance with the Commission's corrective action is mandatory. The agency must report to the Commission, within thirty (30) calendar days of receipt of the decision, that corrective action has been taken. The agency's report should be forwarded to the Director of Compliance, Office of Review and Appeals, Equal Employment Opportunity Commission, 5203 Leesburg Pike, Suite 900, Falls Church, Virginia 22041. A copy of the report should be sent to the appellant.

A statement of appellant's rights (R-1) is attached to this decision.

FOR THE COMMISSION:

/s/ Dolores L. Rozzi
DOLORES L. ROZZI, Director
Office of Review and Appeals

Date: 25 July, 1986

COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT

BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

(Please Type or Print)

(FOR AGENCY USE)

1. WHAT IS YOUR COMPLAINANT'S FULL NAME?
Lawrence David Morderosian

2. WHAT IS YOUR TELEPHONE NUMBER INCLUDING AREA CODE IF YOU KNOW IT?

YOUR STREET ADDRESS (OR RD NUMBER OR POST OFFICE BOX NUMBER)
2519 Olley Lane

HOME PHONE
703 451 4544

YOUR CITY: Burke,
STATE: Virginia
ZIP CODE: 22150

WORK PHONE

3. WHICH FEDERAL OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? (Prepare a separate complaint form for each office which you believe discriminated against you.)

4. ARE YOU NOW WORKING FOR THE FEDERAL GOVERNMENT?
☒ YES (ANSWER A, B, C AND D BELOW.)
☐ NO (CONTINUE WITH QUESTION 5.)

A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU:
Office of Federal Procurement Regulations

A. NAME OF AGENCY WHERE YOU WORK.
General Services Administration

B. STREET ADDRESS OF OFFICE.
1735 Jefferson Davis Highway

B. STREET ADDRESS OF YOUR AGENCY.
18th & F Streets, N.W.

C. CITY: Arlington,
STATE: Virginia
ZIP CODE:

C. CITY: Washington, D.C.
STATE:
ZIP CODE:

D. WHAT IS THE TITLE AND GRADE OF YOUR JOB?
GS-13 (Step 8)
Procurement Analyst

5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE.

MONTH	DAY	YEAR
August	19	1980

6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST. BECAUSE OF YOUR

☐ RACE. IF SO, SHOW YOUR RACE: _____
☐ COLOR. IF SO, SHOW YOUR COLOR: _____
☒ RELIGION. IF SO, SHOW YOUR RELIGION: Catholic
☒ NATIONAL ORIGIN. IF SO, SHOW YOUR NATIONAL ORIGIN: American
☐ SEX. IF SO, STATE YOUR SEX: _____
XX Age and also Handicap

7. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS) BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. (You may continue your answer on another sheet of paper if you need more space.)

I reported to GSA on 4/19/80. My immediate Supervisor, Ray Hill, called me into his office and said I should change my religion to Mormon since he was a High Priest in that church, and he could "take care" of his "Flock" better. I had to change religions to become one of his "Flock" (Cont next page

8. (a) HAVE I DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR (See instructions)?
☒ YES ☐ NO

8. (b) NAME OF COUNSELOR.
William Grant, Director

9. WHAT CORRECTIVE ACTION ARE YOU SEEKING?
I ask that Hill be stopped from trying to change my religion; from claiming my AGE was too old for him to handle; that he cease saying I am an "ARAB", and that he not ridicule me for my military disabilities of the Right leg and right eye; that he be stopped from refusing to give me any work, since I refused to change religions.

10. DATE OF THIS COMPLAINT

MONTH	DAY	YEAR
Sept.	19	1980

11. SIGN YOUR (COMPLAINANT'S) NAME HERE.
Lawrence Morderosian

SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.

CSC FORM 394
DECEMBER 1974

BEST AVAILABLE COPY

(Cont.)

Item # 7: Mr. Hill began to attempt to force me to change my Religion from Catholic to Mormon(a church in which he said he was a "High Priest") the first week I reported to the GSA in April,1980. He told me that he didnt "feel comfortable" if his subordinates were not a "part of his flock". I refused. He said that I should think it over very carefully. He had me come into his office at least three times a week for the next four months and read me parts of the Bible and then tried to get me to take religious tests. These were questions based on what he had read to me from the Bibile that day.I refused continually.

He then began to question my military background and began calling me a "Double Dipper". That he would have to monitor me carefully since I was an "Arab"(I am not an Arab,but if I was it was none of his busness).He said all Armenians(which I am) were Arabs and could not be trusted.Hill did not cease his harassment of me and said he was "bound" by the Mormon Church to continue to encourage me to convert to his Church.

He then began to say that I was a "phoney" Handicap person. That I had been trying to get sympathy by wearing an"eye patch"and limping when I walked more than five blocks.I was retired from the Air Force with 70% disability from Service incurred injuries as far back as WW II.

Hill then said I was too "Old" for the job and too hard for him to manage,since I had more education and experience in Contracting, He finally threatened to make sure that Phil Read,the Director, fired me if I didnt join his Church. Further that Read was afraid of him because he knew that the Mariott Family were Mormons and allegedly "friends"of his.

I spoke to Mr Read,Director of the Office and he declined to take any action saying that Hill was "very eager Priest"and that I"should keep him happy by joining his church"

COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT
BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN
(Please Type or Print)

(FOR AGENCY USE)

1. WHAT IS YOUR (COMPLAINANT'S) FULL NAME?
LAWRENCD DAVID MORDEROSIAN

2. WHAT IS YOUR TELEPHONE NUMBER INCLUDING AREA CODE IF YOU KNOW IT?

YOUR STREET ADDRESS (OR RD NUMBER OR POST OFFICE BOX NUMBER)
8909 Applecross Lane

HOME PHONE:

YOUR CITY | STATE | ZIP CODE
Springfield, Virginia 22153

WORK PHONE:

3. WHICH FEDERAL OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? (Prepare a separate complaint form for each office which you believe discriminated against you.)

4. ARE YOU NOW WORKING FOR THE FEDERAL GOVERNMENT?
[X] YES (ANSWER A, B, C AND D BELOW.)
[ ] NO (CONTINUE WITH QUESTION 5.)

A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU:
Office of Federal Procurement Regulations

A. NAME OF AGENCY WHERE YOU WORK:
General Services Administration

B. STREET ADDRESS OF OFFICE:
1735 Jefferson Davis Highway

B. STREET ADDRESS OF YOUR AGENCY:
17th & F Streets,N.W.

C. CITY | STATE | ZIP CODE
Arlington, Virginia

C. CITY | STATE | ZIP CODE
Washington,D.C.

D. WHAT IS THE TITLE AND GRADE OF YOUR JOB?
GS-13; Procurement Analyst

5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE:
MONTH | DAY | YEAR
February 1 | 1981

6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST. BECAUSE OF YOUR
[ ] RACE. IF SO, SHOW YOUR RACE _____
[ ] COLOR. IF SO, SHOW YOUR COLOR _____
[X] RELIGION. IF SO, SHOW YOUR RELIGION _____
[X] NATIONAL ORIGIN. IF SO, SHOW YOUR NATIONAL ORIGIN _____
[ ] SEX. IF SO, STATE YOUR SEX _____
Age and Handicap

7. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS) BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. (You may continue your answer on another sheet of paper if you need more space.)

I have been subjected to extremely discriminatory actions by my Immediate Supervisor,Raymond Hill. He has threatened to ruin my Federal Government Career unless I change my religion from Catholic to Mormon; Told me repeatedly that was too old for his Supervision; Refused to give me any work,since I refused to change my Religion to Mormon; Hill has ridiculed my disabilities which I incurr

8. (a) I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR (See instructions):
[X] YES [ ] NO

8. (b) NAME OF COUNSELOR:
William Grant (See Cont.)

9. WHAT CORRECTIVE ACTION ARE YOU SEEKING?

I ask that Mr. Hill be refrained from trying to change my Religion; that he be refrained from ridiculing my disabilities; that he be refrained from commenting about my being too hard for him to Manage because of my background,age, and education(being above his); That he be admonished for deliberately eliminating my entire workload after August,1980, when I refused to change my religion.

10. DATE OF THIS COMPLAINT
MONTH | DAY | YEAR
2 | 2 | 1981

11. SIGN YOUR (COMPLAINANT'S) NAME HERE:
Lawrence D Morderosian

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(Cont)

while I was on Active Duty with the Air Force and incurred severe injuries as a result of the loss of aircraft in the U.S. and while in in combat in the South Pacific(WW II).

Hill has continue to "call me down" for not changing religions and has given me almost no work since about August,1980. Mr. Phil Read, Director of this Office, seems to be worried about taking any actions agasinst Mr. Hill.Mr. Read did reference his original hiring or Hill from the Procurement Supply (GSA) after Hill had allegedly been arrested for making "flash advances" at GSA females where he was Chief. I am only repeating what Read told me and have no further proof about Mr. Hill.I mention this to provide you with a good example of the influence that Hill has with Mr Read,and the probable reason why Mr. Read will not censure Mr. Hill.

I would like to go on record that Mr. Grant Willims,who is the GSA Officer for EEO Complaints, is aware of my problems.I have handcarried the two previous EEO Complaints directly to his office and he has taken no action.

Let me list my earlier and present EEO Complaints for the record:
1) Age;
2) Religion;
3) Handicap;
4) National Origin;
5) Health;
6) Refusal to give me work

I would also like to go on the record that since August,1980, I have had in excess of ten attacks of Hyperventilation which according to all Doctors that I have seen has been caused by the above cited EEO and Constitutional Rights violations.I gave copies of medical reports to Mr. Rhil Read,Director of this Office to no avail. These medical reports included: U.S. Army;U.S. Air Force and Dr Richard Ratner, Civilian. Mr. Read had not responded to them at any time.

COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT
BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN
(Please Type or Print)

(FOR AGENCY USE)

1. WHAT IS YOUR (COMPLAINANT'S) FULL NAME?
Lawrence D. Morderosian

2. WHAT IS YOUR TELEPHONE NUMBER INCLUDING AREA CODE IF YOU KNOW IT?

YOUR STREET ADDRESS (OR RD NUMBER OR POST OFFICE BOX NUMBER)
8909 Applecross Lane

HOME PHONE.
703 451 4544

YOUR CITY: Springfield | STATE: Virginia | ZIP CODE: 22150

WORK PHONE.

3. WHICH FEDERAL OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? *(Prepare a separate complaint form for each office which you believe discriminated against you.)*

A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU:
Inspector General

B. STREET ADDRESS OF OFFICE:
18th & F Streets,N.W

C. CITY: Washington,D.C. | STATE | ZIP CODE: 20405

4. ARE YOU NOW WORKING FOR THE FEDERAL GOVERNMENT?
☒ YES (ANSWER A, B, C AND D BELOW.)
☐ NO (PROCEED WITH QUESTION 5.)

A. NAME OF AGENCY WHERE YOU WORK:
General Services Administration

B. STREET ADDRESS OF YOUR AGENCY:
18th & F Streets.N.W.

C. CITY: Washington,D.C. | STATE | ZIP CODE: 20405

D. WHAT IS THE TITLE AND GRADE OF YOUR JOB?
Procurement Analyst

5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE:
MONTH: 12 | DAY: 23 | YEAR: 1982

6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST. BECAUSE OF YOUR
☐ RACE. IF SO, SHOW YOUR RACE
☐ COLOR. IF SO, SHOW YOUR COLOR
☒ RELIGION. IF SO, SHOW YOUR RELIGION filed 8/19/80 & 2/2/81
☒ NATIONAL ORIGIN. IF SO, SHOW YOUR NATIONAL ORIGIN filed 8/19/80 & 2/2/81
☐ SEX. IF SO, STATE YOUR SEX
Age and Handicap-filed 8/19/80/2/2/81

7. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS, BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. *(You may continue your answer on another sheet of paper if you need more space.)*

I have submitted EEO Complaints on discrimination in Religion; National Origin; and Age on: September 19,1980; February 2,1981 and now I am resubmitting these claims again,since the GSA has taker no action nor has it even acknowledged the existance of my earlier

8. (a) I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR *(See instructions)*.
☒ YES ☐ NO Telephone

8. (b) NAME OF COUNSELOR:
Female answering phone for EEO

9. WHAT CORRECTIVE ACTION ARE YOU SEEKING?

I ask that the GSA be required to end the intentional and deliberate actions of harrassment, ridicule and total segregationist policy of separating me from other office persons. In addition, I ask that the GSA - Inspector General be required to reopen the position of Criminal Investigator, which I was interviewed for for but informed that I was "too old" and "would be too hard to to manage,since I had as much as or more experience in Fraud in

10. DATE OF THIS COMPLAINT
MONTH: 12 | DAY: 23 | YEAR: 1982

11. SIGN YOUR (COMPLAINANT'S) NAME HERE:
Lawrence D Morderosian

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vestigations than he and everyone else in the Office(Ft WOrth GSA Regional Office-IG). He also said that he intended to hire one of his neighbors who was an investigator for the IRS in Dallas.

I have had extensive experience in the most complex and complicated cases in Fraud.My two year assignment under the IPA (1977-1979) with the State Government of Missouri, also added to my expertise at the State level in such investigations. My work for the Bi-State Transit Authority (St Louis Transit System) was work in allegations of Fraud at the Local Government level,thus I had extensive experience in the Federal, State and Local Government levels, in Fraud at all stages and monetary values.

This EEO Complaint is also being submitted to include the previous EEO Complaints on which NO ACTION WAS TAKEN BY THE GSA.

The following GSA actions are considered to be DISCRIMINATORY in accordance with the definitions of DISCRIMINATION in BLACKS LAW DICTIONARY:

1) Age;
2) Religion;
3) National Origin;
4) Handicap;
5) Health *****;
6) Refusal to give me any work.

I can fully document all of the above allegations of violations of my rights under the EEO Act and other applicable Laws.

***** Dr Richard Ratner, noted Washington,D.C. Psychiatrist, whom I have been seeing as a result of the adverse actions that are harming my health since April,1980, agreed with the U.S. Army Doctor at Walter Reed Hospital,and the Doctor at the USAF Hospital at Andrews AFB,that my mental health is approaching a critical area.

Dr Ratner also agreed with the Army and Air Force Doctors that whenever I feel the symptoms of Hyperventilation coming,I should immediate-leave my office or if at home go to bed. I should take leave time when I feel that I am having these symptoms and then call him. I have taken in excess of 740 hours of Sick and Annual Leave(AL when I ran out of Sick Leave time) since I reported to the GSA in April,1980.

COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT
BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN
(Please Type or Print)

(FOR AGENCY USE)

1. WHAT IS YOUR (COMPLAINANT'S) FULL NAME?
Lawrence David Porderosian

2. WHAT IS YOUR TELEPHONE NUMBER INCLUDING AREA CODE IF YOU KNOW IT?

YOUR STREET ADDRESS (OR RD NUMBER OR POST OFFICE BOX NUMBER)
8909 Applecross Lane

HOME PHONE
451 4544(703)

YOUR CITY | STATE | ZIP CODE
Springfield,VA. 22153

WORK PHONE
523 6784 (202)

3. WHICH FEDERAL OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? (Prepare a separate complaint form for each office which you believe discriminated against you.)

4. ARE YOU NOW WORKING FOR THE FEDERAL GOVERNMENT?
☒ YES (ANSWER A, B, C AND D BELOW.)
☐ NO (CONTINUE WITH QUESTION 5.)

A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU:
Office of Oversight- GSA

A. NAME OF AGENCY WHERE YOU WORK.
General Services Administration

B. STREET ADDRESS OF OFFICE
17th & F Streets,N.W.
Washington,D.C. 20405

B. STREET ADDRESS OF YOUR AGENCY.
same as Item 3B

C. CITY | STATE | ZIP CODE
Washington,D.C. 20405

C. CITY | STATE | ZIP CODE
Same as Item 3B

D. WHAT IS THE TITLE AND GRADE OF YOUR JOB?
Procurement Analyst-GS-13;Step 8

5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE:

MONTH	DAY	YEAR
July	5	1983

6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST, BECAUSE OF YOUR
☐ RACE IF SO SHOW YOUR RACE _____
☐ COLOR IF SO, SHOW YOUR COLOR _____
☒ RELIGION IF SO SHOW YOUR RELIGION Previously filed no GSA Response
☒ NATIONAL ORIGIN IF SO, SHOW YOUR NATIONAL ORIGIN Previously filed, no GSA resp
HANDICAP (Fully Documented)
☐ SEX, IF SO STATE YOUR SEX _____ _____
Age and Handicap previously filed,no GSA response

7. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. (You may continue your answer on another sheet of paper if you need more space.)
I have included three previously EEO Complaints filed vs GSA,since there has been no response by GSA to any of these to date. This EEO Complaint is for discrimination due to handicap.The GSA Office of Management-Oversight controls handicapped parking privileges. This allowance was revoked by GSA despite full documentation as required by the GSA and Federal Government Reg. See At

8. (a) I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR (See instructions)
☐ YES ☒ NO See attached

8 (b) NAME OF COUNSELOR
Not applicable,GSA declined to discuss

9. WHAT CORRECTIVE ACTION ARE YOU SEEKING?
I would like to have my Handicapped parking privilege returned in accordance with the GSA,Federal OPM and other regulation requirements. I am not able to walk more than several city blocks without having major problems due to injuries of hip, legs and back during military service(1943-1946; 1951-1964). See attached.

10. DATE OF THIS COMPLAINT

MONTH	DAY	YEAR
July	5	1983

11. SIGN YOUR (COMPLAINANT'S) NAME HERE
Lawrence D Porderosian

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(Attachment to CSC Form 894)

Item # 6: I have filed Formal EEO Complaints as required by EEO Act with the GSA for Discrimination by reason of Religion; Age; National Origin;Refusal to give work;I cited my Disability but, did not provide full details.

Item 6 & 7:

This complaint is primarily for the deliberate and intentional revocation of my Handicapp parking privilege at the GSA Parking lot in the GSA complex at 17th & F Streets,N.W.,Washi ton,D.C..The GSA Office of Oversight handles the allocation of parking privileges for GSA employees.In late May,1983, I was advised by Ms Debra J. Manson, GS Building Parking Coord ator, that I had to provide additional medical confirmation that I had to have a Handicap parking place at the GSA.

I furnished her office with Statements by Colonel Constantine J. Nonas,USAF,M.C.,(MD, FAC and Colonel George H. Fettus, USAF,MC,(MD,FACS),Andrews AFB Malcolm Grow Medical Center, confirmed that I was 70% disabled and that there were serious medical problems if I had t walk more than two or three blocks. In addition, medical records and statements also confirmed that I had Diplopia of the right eye and that I was required to wear an eye patch to prevent further damage to my eyesight if I read more than an hour at a time. My job in requires work that is based on 100% reading time.

During my time at GSA (April,1980 to present time) I have been ridiculed by: Mr Ray Hill, my Immediate Supervisor most of that time; and Mr Phil Read my Office DirectorPlease note that Mr Hill was the cause of my first three EEO Complaints,and Mr Read was also involved. This ridicule was directed at me for wearing a black eye patch to work after I had been reading on the job for more than an hour. In additon, Mr. Read and Hill, also said that I was not really handicapped,and that I was just looking for sympathy wearing the eye patch.

Ms Manson revoked my parking privilege despite the fact that I had submitted all medical requirement confirmation by Military Doctors as required by the Handicapped Parking regula tions of GSA and the OPM. Ms Manson also made refernce to the fact that she had had som pressure from the Office of the GSA Inspector General to remove my parking privileges. Th the IG Investigators told her that I was not disabled as they had examined my military per sonel files in St Louis at the NPRC. This was a false statement by the GSA IG. My military files confirm that I was retired with 70% disability due to service incurred injuries. My military record state specifically that I had been injured flying in the U.S. and also combat in the South Pacific.

I am stating that the GSA Office of Oversight has violated the GSA' own regula tions as well as the OPM Regulations on establishing Handicapped status for parking privileges. In addition, the GSA IG has made false allegations that helped the Office of Oversight to make this erroneous determination to revoke my handicapped parking privilege.

I am attaching copies of the statements of the Air Force Medical Persons; copy of my ity papers from the Air Force; copy of GSA Office of Oversight which revoked parking privileges; letters to and from Ms Manson on parking matters.
In addition, I am also enclosing copies of the three previous EEO Complaints and asking th the GSA make either a positive or negative statement on all EEO Complaints filed with the GSA Office of EEO.

[signature]
July 5,1983

Please refer to my letter to Phil Read, former Director,Federal Procurement Regulations Office;concerning my loss of in excess of 1,037 hours of Annual and Sick Leave due to intentional & deliberate actions of the GSA Manageme
Note: I used Annual Leave to offset loss of Sick Leave,on advice of Mr.Read (Major loss due to attacks of Hyperventialtion).